IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

WP(C).No. 5874 of 2007(Y)

PETITIONER:

BINOYKUMAR.A.K., ANAMKUZHY HOUSE,
METHALA PO, PIN-683 545.

BY ADV. SRI.P.CHANDRASEKHAR
SRI.VIJAI MATHEWS

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED
BY SECRETARY TO GOVERNMENT OF KERALA,
DEPARTMENT OF TRANSPORT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE TRANSPORT COMMISSIONER,
THIRUVANANTHAPURAM.

3. THE KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, PATTOM,
THIRUVANANTHAPURAM.

BY GOVT.PLEADAER SRI.BIJOY CHANDRAN
BY SC SRI.P.C.SASIDHARAN KPSC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO.5874 of 2007

Dated this the 21st day of February, 2007

JUDGMENT

The petitioner applied for appointment to the post of Assistant Motor Vehicle Inspector in the Kerala Transport Subordinate Service pursuant to the notification issued by the third respondent. It is stated that he is included in the rank list published by the Commission. He apprehends that reporting of vacancies in the post of Assistant Motor Vehicle Inspectors due to be reported to the Commission for direct recruitment will not be done within a reasonable time, and that, delay in reporting the vacancies will adversely affect his chances of appointment. In the above circumstances, the following reliefs are prayed for :

> i) issue a writ of mandamus or any other writ, order or direction directing the respondents 1 and 2 to report the existing vacancies in the post of Assistant Motor Vehicle Inspector to third respondent for being filled up from the existing rank list by direct recruitment;

ii) issue a writ of mandamus or any other writ, order or direction directing the third respondent to issue advice memo advising appointment of the petitioner, who is next in line for appointment, as Assistant Motor Vehicle Inspector, from Ext.P2 rank list in one of the existing vacancies;

iii) issue a writ of mandamus or any other writ, order or direction directing the respondents 1 and 2 to appoint the petitioner in one of the existing vacancies of Asst. Motor Vehicle Inspector without any delay forthwith;

iv) pass such further orders, as this Hon'ble Court may be pleased to grant on the facts and circumstances of the case.

2. I have heard the Government Pleader for the respondents 1 and 2 and the counsel for respondent No.3. Having regard to the submissions made by the counsel for the petitioner, I am inclined to grant the reliefs prayed for. Accordingly, there shall be an order directing the respondents 1 and 2 to report to the third respondent the existing vacancies in the post of Assistant Motor Vehicle Inspectors which are due to be filled up by direct recruitment from the rank list published by

the Commission, within one month from the date of receipt of a copy of the judgment. The third respondent on receipt of the report from the respondents concerned, shall advise the candidates from the rank list, according to their eligibility. Candidates thus advised shall be appointed by the second respondent without delay.

The petitioner shall produce a copy of the judgment and a copy of the writ petition before the first and second respondents for information and compliance.

The writ petition is disposed of, accordingly.

K.K.DENESAN, JUDGE

CSS